February 2024 | Volume I | Issue XI | www.jonaraja.com

Pavak

Jonaraja Institute of
Genocide & Attrocities Studies

MYTH OF TRUTH & RECONCILIATION

अपथ्याशीवबालःसामन्तसहितस्ततः।
जनानाम जातिविध्वंसे सूहभट्टः कृतोद्यमः।

- Pandit Jonaraja, Father of Genocide Studies

Pandit Jonaraja, the author of second Rajtarangini that follows the Rajtarangini of Kalhan, was a Kashmiri Shaivite Bhatta Brahmin. His real name was Jyotsanakar, meaning the creator of moonlight. This poetic name was true to his being. He was an exceptional and sensitive poet, well versed in history, astrology, Ayurveda, Yoga and subtler aspects of all these disciplines. He was a renowned Sanskrit scholar. His year of birth as per the records available is estimated as 1389-90.

Like Kalhan he has written the history of Kashmir in poetry. That is not all there is about him. He has recorded the genocide of Kashmiri Pandits in detail and delineated its aspects like the present day genocide scholars.

Jati Vidhwans—this is the word Jonaraja has coined to describe genocide. He has defined genocide and his definition almost mirrors the definition given by Raphael Lemkin. He has even pointed out the special intent that motivates the perpetrator and given a very sensitive and vivid account of how an ideology radicalises a regime and effects a total change in its mode of operation that leads to genocide. He has made it clear that the mind of a perpetrator is at a very low level of maturity. That is the view held by present day genocide scholars also. He has defined genocide and his definition is almost equal to the definition given by Raphael Lemkin. His account of the first exodus of Kashmiri Pandits, if placed in correct context, is no different from the atrocities the community faced in 1990.

Roots of the field of genocide studies are found in Pandit Jonaraja. He in every sense is "**Father of Genocide Studies**."

To join the **Genocide & Atrocities Studies** course,
Call/Text us at **+91-99062-87277** or visit **www.jonaraja.com**

VOLUME I

issue XI

01 **From the Editor's Desk**
A Mirage called Truth and Reconciliation?
| **Sunanda Vashisht**

02 **Message from the Director**
Genocide in Kashmir: The truth is not Synchronic
| **Dr. Dileep Kaul**

05 **Message from the Chairman**
Justice and Truth and Reconciliation
| **Tito Ganju**

09 **The Justice and Reconciliation Process in Rwanda**
(Reproduced from United Nations- un.org)

11 **The Truth and Reconciliation Commission (TRC) 1995- South Africa**
(Reproduced from South African History Online)

PAVAK | Volume 1, Issue 11

Editor-in-Chief:
Sunanda Vashisht

Publication Owner
Jonaraja Institute of Genocide & Atrocities Studies

Design
Jonaraja Institute of Genocide & Atrocities Studies

Phone
+91-99062-87277

Website
www.jonaraja.com

Instagram
jigas_india

A Mirage called Truth and Reconciliation

In the context of continual genocide of Kashmiri Pandits, truth and reconciliation is often promoted as sole panacea to healing and pain. However, history tells us that every time any such attempt is made lack of accountability for perpetrators, inadequate attention to structural inequalities, and ongoing divisions within society are ignored and merely words like justice and healing touch are thrown about casually.

Sunanda Vashisht
Editor-in-Chief, Pavak

Truth and reconciliation in the context of genocide refers to processes aimed at addressing the atrocities committed during the genocide, acknowledging the truth of what occurred, and fostering healing and reconciliation among affected communities. These processes typically involve the collection and dissemination of information about the atrocities, acknowledgment of the suffering of victims, and efforts to promote understanding, forgiveness, and unity among perpetrators and survivors.

Truth and reconciliation processes often include elements such as public hearings, testimonies from survivors and perpetrators, documentation of human rights abuses, memorialization efforts, and initiatives to promote dialogue and understanding between different groups affected by the genocide. These processes aim to confront the past, promote accountability, and prevent future conflicts by fostering a shared understanding of history and promoting reconciliation and healing.

As for whether truth and reconciliation processes work, it's a complex and contested question. The effectiveness of these processes can vary depending on various factors, including the context of the genocide, the willingness of perpetrators to acknowledge their actions, the extent of community participation and support, and the resources and political will available to support the process.

Some argue that truth and reconciliation processes can help promote healing, understanding, and reconciliation among affected communities, providing a platform for victims to share their stories, and holding perpetrators accountable for their actions. These processes can also contribute to building a more inclusive and democratic society by addressing the legacies of violence and discrimination.

However, data and extensive research by the scholars of JIGAS points that most truth and reconciliation exercises are simply a way to deny memory, prevent chronicling and strengthen powerful who sow seeds for further genocides. The truth and reconciliation processes as data points out is insufficient to address the deep-rooted causes of genocide and for failing to achieve justice for victims. These processes often prioritize reconciliation over accountability and may not adequately address the structural inequalities and injustices that contributed to the genocide in the first place. Additionally, the success of truth and reconciliation processes can be limited by factors such as political interference, lack of resources, and ongoing tensions between different groups.

Let's examine some notable examples where Truth and Reconciliation processes have failed to achieve their intended goals.

Rwanda: Despite the establishment of the Gacaca courts and the National Unity and Reconciliation Commission (NURC) following the 1994 genocide, Rwanda continues to grapple with deep-seated ethnic tensions and political repression. Critics argue that the emphasis on unity and reconciliation in Rwanda has sometimes come at the expense of meaningful justice and accountability for perpetrators, and that the government's control over the narrative of the genocide has hindered genuine reconciliation efforts.

South Africa: While the Truth and Reconciliation Commission (TRC) in South Africa is often held up as a model for truth and reconciliation processes, critics argue that it failed to adequately address economic inequalities and structural injustices that perpetuated apartheid. Many perpetrators of violence were granted amnesty in exchange for their testimony, leading to accusations that the process prioritized reconciliation over justice. Additionally, there are ongoing debates about the effectiveness of reparations and the extent to which the TRC succeeded in promoting reconciliation.

· **Bosnia and Herzegovina:** Despite efforts to establish truth and reconciliation processes in Bosnia and Herzegovina following the Balkan Wars of the 1990s, deep-seated ethnic divisions and political tensions persist. The country remains deeply divided along ethnic lines, and efforts to confront the past and promote reconciliation have been hindered by political obstruction, lack of political will, and ongoing denial and revisionism.

· **Cambodia:** The Extraordinary Chambers in the Courts of Cambodia (ECCC), also known as the Khmer Rouge Tribunal, was established to address the atrocities committed during the Khmer Rouge regime in the 1970s. However, the tribunal has been criticized for its slow pace, limited scope, and perceived political interference. Many survivors and victims' families feel that the tribunal has failed to deliver meaningful justice or promote reconciliation, particularly given the lack of accountability for many high-ranking Khmer Rouge officials.

In the context of continual genocide of Kashmiri Pandits, truth and reconciliation is often promoted as sole panacea to healing and pain. However, history tells us that every time any such attempt is made lack of accountability for perpetrators, inadequate attention to structural inequalities, and ongoing divisions within society are ignored and merely words like justice and healing touch are thrown about casually. Genuine reconciliation means addressing the root causes of conflict and violence.

Any attempt at Truth and Reconciliation cannot ignore that there is still serious lack of trust between Kashmiri Pandits and Kashmiri Muslims. This lack of trust makes it difficult to establish a conducive environment for truth-telling, reconciliation, and dialogue. The Kashmir conflict is highly politicized, with competing narratives and interests at play. Truth and reconciliation processes in Kashmir must navigate these political sensitivities carefully to avoid exacerbating tensions or further marginalizing Pandit community. Many of the perpetrators of violence against the Kashmiri Pandit community have not been held accountable for their actions. The lack of accountability for past atrocities makes it difficult to achieve genuine reconciliation and justice for the victims. The Kashmiri Pandit community's displacement from the Kashmir Valley in the late 1980s and early 1990s has led to complex issues of identity, belonging, and loss. Many Kashmiri Pandits feel marginalized and forgotten by the broader society. Addressing these deep-seated grievances and trauma requires more than just truth and reconciliation processes; it necessitates meaningful efforts to address the root causes of displacement and promote the rights and welfare of the Kashmiri Pandit community.

Given these challenges, any truth and reconciliation process for the Kashmiri Pandit community would need to be carefully designed and implemented, taking into account the specific needs, grievances, and aspirations of the community, as well as the broader political and social context of the Kashmir conflict. It would also require sustained commitment from all stakeholders involved to address the underlying causes of conflict and promote genuine healing and reconciliation.

Justice and Accountability commission is what is needed in Kashmir. Truth and reconciliation are natural byproducts of justice and accountability.

The Kashmiri Pandit community's displacement from the Kashmir Valley in the late 1980s and early 1990s has led to complex issues of identity, belonging, and loss. Many Kashmiri Pandits feel marginalized and forgotten by the broader society. Addressing these deep-seated grievances and trauma requires more than just truth and reconciliation processes

Genocide in Kashmir: The truth is not synchronic

Turuṣkadarśana **left a genocidal legacy that was carried forward in history through many phases and culminated into the events of 1990.**

Dr. Dileep Kumar Kaul
Director, JIGAS

Genocide in Kashmir is not an isolated synchronic event fixed in the year 1990. It is a process unleashed in many phases and spread over a period of many centuries. This genocide was executed under a patronizing umbrella of unquestionable impunity fortified with unrelenting religious sanction. This is made clear by the following verse from ***Jonaraja's Rajtarangini***:

turuṣkadarśane bhaktyā natu dveṣeṇa dvijān | vyaplāvayadataścāsmin hatvā na prajagalbhire | 370

"He (Suhabhatta) killed and tortured Brahmins not out of any malice or hatred towards them. It was just out of his devotion towards ***Turuṣkadarśana***, the philosophy of Islam that he killed them and that got him no feeling of committing the sin of murder."

The verse makes it clear that the ideology he has owned grants him impunity against the annihilation of the outgroup. This means that the ideology of ***Turuṣkadarśana*** aims at annihilating the outgroup.

The verse makes it clear that the perpetrator has no feeling of any guilt or sin when he tortures or kills the Brahmins. When he converted to Islam, his devotion towards the philosophy of this religion made him to kill Brahmins without rearing any malice towards them because he had himself been a Brahmin before converting to Islam. This means that the ideology of the religion that he had converted to, gave him a specific identity that did not want the identities other than Muslim to exist. A perpetrator of genocide does not kill a member of the victim community for being just an individual who is hated. He is killed because of his identity, his membership of the group, that has a specific group culture and activity that is detested by the perpetrator group. Pandit Jonaraja gives expression to this aspect of perpetrator identity in the above-mentioned verse.

This ***Turuṣkadarśana*** left a genocidal legacy that was carried forward in history through many phases and culminated into the events of 1990. The first episode of genocide occurred in the first quarter of the fifteenth century under the rule of Ali Shah. After this, fifty years of respite were given to Kashmiri Pandits victims by the rescuer Sultan Badshah from 1420 to 1470. Genocidal assaults to the extent of severing hands, lips, nose and even impalement occurred immediately after his death during the reign of Haider Shah.

The second exodus occurred when Shamasuddin Araqi, a Sufi Shia proselytizer came to Kashmir in 1496. He committed atrocities on Kashmiri Pandits, broke a number of temples and built Khanqahs, lodgings for Sufi Muslims over them.

The third exodus was during the Mughal rule. In 17th century Iftikhar Khan, the governor of Kashmir appointed by Aurangzeb, committed severe atrocities on Kashmiri Pandits. Kashmiri Pandits sought help from the Sikh Guru Teghbahadur Ji Maharaj who gave supreme sacrifice for the Kashmiri Pandit cause. But the exodus had already begun.

The fourth exodus occurred during the Pathan rule (1752-1819). It was a phase of unprecedented brutal tyranny.

1931 saw the fifth exodus of Kashmiri Pandits. The Muslim reading room party of Sheikh Abdullah launched a movement against the Dogra rule and in the process Kashmiri Pandits were assaulted.

The sixth episode of genocide caused the sixth exodus when Pakistani tribals invaded Kashmir in 1947. The seventh and final episode in 1990 resulted in almost total ouster of Kashmiri Pandits from Kashmir.

It is clear from these genocidal episodes that the perpetrators in every episode were working under the primary influence of ***Turuṣkadarśana*** that is Islam. The perpetrators were Sunnis, Shias, Mughals, Pathans, Pakistani Tribals and local Kashmiri Muslims, all different communities, but followers of ***Turuṣkadarśana***. The truth of the genocidal project in Kashmir cannot be assessed without considering the religious agency that propelled the perpetrators towards so many episodes of genocide through so many years of history.

What we conclude from all this is that truth is a process and not just a point in a history. Every perpetrator and victim has his truth and all these truths are situated in a universal order of creation that grants a similar kind of life to both, the perpetrator and the victim. Buy the perpetrator represses the conscious of the universal order and keeps himself centered on himself and his group. The absence of the consciousness of the universal order marks the existence of the perpetrator. When a man kills a man, he loses the consciousness of this universal order and that turns him into a murderer. When a man as the representative of a group kills another man as the representative of another group with the aim to annihilate the whole group, he becomes a genocidaire, more than a murderer. The absence of the consciousness of the universal right to life with respect to an outgroup is what makes a situation genocidal. That truth is never to be forgotten while understanding the truth of genocide.

This can be better understood through the Rigvedic concept of truth:

Ṛtaṁ ca satyaṁ cābhīddhāt tapaso dhy ajāyata | tato rātry ajāyata tataḥ samudro arṇavaḥ || Rigveda . 10.190.1.

ta , the all-encompassing holistic knowledge that incorporates the sense of continuity of everything in nature, and sense of all existing things that are established in the present ***(satyaṁ)*** that is nature, is achieved through meditative perseverance. The interaction of both these knowledges, creates a state of dark night ***(ajāyata)*** where every destruction ends and from that stillness is created the ocean of atoms ***(samudro arṇavaḥ)*** giving rise to the flow of creation.

The verse from Jonaraja's Rajtarangini, mentioned in the beginning. the perpetrator considers the Brahmin victim, worthy of annihilation because the ideology he has owned

It is clear from these genocidal episodes that the perpetrators in every episode were working under the primary influence of Turuṣkadarśana that is Islam. The perpetrators were Sunnis, Shias, Mughals, Pathans, Pakistani Tribals and local Kashmiri Muslims, all different communities, but followers of Turuṣkadarśana. The truth of the genocidal project in Kashmir cannot be assessed without considering the religious agency that propelled the perpetrators towards so many episodes of genocide through so many years of history.

tells him to do this, as mentioned in ***turuṣkadarśane bhaktyā*** (devotion towards Islam). This means his ideology inspires him to stop or restrict the sense of continuity, the spontaneous natural flow of life granted to the victim by nature, the universal truth referred to as ***Ṛtaṁ.*** His placement in the world that grants him the power to create his world, his culture, his specific truth, and through all this, his specific identity, is stopped or restricted when the perpetrator launches the genocidal attack on him.

By eliminating the victim, the perpetrator experiences power, the power to raze to ground anything that does not accept his ideology. Thus, he experiences high identification and intolerance towards anybody who has an independent ideology. This becomes a fundamental element or his identity. This identity is further strengthened by more events of genocide. But the power his identity has gained through the intolerance granted by his ideology, has eliminated his own sense of the movement, flow and continuity or life ***(Ṛtaṁ)*** and his individual and specific truth ***(Satyaṁ)*** also becomes dominated by his intolerance and thus restricted. This is a state of stagnation. So, the perpetrator, however powerful he may become is also a sufferer. This may be termed as an ideally humanistic narrative but anybody can understand that any restriction to the flow of life, is indeed a suffering that nobody wants. To overcome this suffering, to maintain the flow and continuity of life that nature has granted and is universal in nature, rescuers emerge from the perpetrator community attempting to maintain the balance between ***Ṛtaṁ*** and ***Satyaṁ.*** That is why the fifty years of rule by the rescuer Sultan Badshah make him to stand out from other Sultans before and after him who did everything within their power to unleash and consolidate the genocide.

The Rigvedic concept of truth tells us that everyone of us is placed in this world as a creation and as a creator. Every moment we are created as a universal entity of life as we create the specific world around us. When we forget ourselves as particles of creation by this nature and superhumanise ourselves thinking that we can decide about others' lives we take ourselves we disturb the balance between ***Ṛtaṁ and Satyaṁ***, thus creating an identity that may lead to perpetration of genocide. However intense this perpetrator identity may be, it is restricted in its very essence because it is indifferent towards the spontaneous flow of life, the movement and continuity nature grants to every element of life. When a rescuer emerges from the perpetrator community it is because he has not been able to repress the consciousness of ***Ṛtaṁ***. He feels that everyone like him is placed in the flow and continuity of creation and nobody has the right to take away the right of life from anybody. A victim is killed as a part of the creation of nature that is the overall collective of human beings, as a member of the group he creates and the culture that creates him.

That is the truth of a victim and victims create representations to express the truth of their genocide, whenever they find an opportunity. It was in 15th century CE that Kashmiri Pandit ***Jonarāja*** gave term ***Jātividhvaṃsa*** for genocide. The word ***Jāti*** did not mean caste for him as is done in our times. The following line of the verse 817 in ***Jonarāja's*** Rajtarangini clarifies his concept of ***Jāti:***

dvijānāṃ jātirakṣārtha raupyamāṣamakalpayata.

To protect the ***Jāti*** of Brahmins Badshah fixed one masha (0.972 gms) of silver as tax, the protection tax Jazia after the payment of which non-Muslims could practice their religion, under a Muslim ruler, though in a limited way. It was very less as compared to the preceding Sultans Sikander and Alishah who fixed 192 Mashas of Jazia. It shows that radical Islamic elements were so strong even in Badshah's rule, so that he could not resist imposing Jazia on non-Muslims to give an impression that his rule, though liberal was Islamic. He could not stop the practice of Jazia that devalued the followers of other faiths. If devaluing and dehumanizing practices from the perpetrator community are not checked and eliminated, genocide may be replicated. Such practices put a squeeze on ***jāti,*** which as per the above line of the verse is ethnoreligious identity. It is this ethnoreligious identity that was considered intolerable by Suhabhatta after he converted to Islam as mentioned by Jonaraja in the verse 370 given above.

Jāti was synonymous with life for Kashmiri Pandits. The first line of the verse 606 from Jonaraja's Rajtarangini makes it clear:

jātidhvaṃse mariṣyāmo dviješviti vadatsvatha.

The Brahmins said that if our ***Jāti*** is destroyed we shall die. This ***Jāti*** had enabled them to live their lives as vibrant, flowing and continuous particles of creation, honouring every aspect of creation, simultaneously creating their world with authority that had granted them the power they had. They had lived their lives in meditative perseverance, trying their best to strike as much balance as possible between ***Ṛtaṁ and Satyaṁ.*** That is why losing this ***Jāti*** was equal to losing their life. They exercised as much as they could, ten attributes of Dharma as explained in Manusmriti:

dhṛtiḥ kṣamā damo'steyaṃ śaucaṃ indriyanigrahaḥ |
dhīrvidyā satyaṃ akrodho daśakaṃ dharmalakṣaṇam | |

Patience, forgiveness, self-restraint, non-stealing, hygiene, control of sense organs, courage, knowledge, truth, and non-anger constitute the ten traits of Dharma.

These ten traits of Dharma enabled them to maintain the connect between universality that is ***Ṛtaṁ*** and the individuality that is ***satyaṁ.*** This made them to maintain their universal significance and individual freedom and thus maintain the authority of their dharma, their sense of ultimate truth and righteousness. Genocidal assaults perpetrated on them wreaked havoc on their ***Jāti*** but the survivors still live to tell the story. This story has a moral that when there is a perpetrator who is intensely oriented towards the superordination of his group and considers his ideology the ultimate truth, it becomes difficult to counter the high identification he gets from such traits. Under such conditions it becomes the duty of the state to take punitive action. As the state, or the state like force that called the

Patience, forgiveness, self-restraint, non-stealing, hygiene, control of sense organs, courage, knowledge, truth, and non-anger constitute the ten traits of Dharma. These ten traits of Dharma enabled them to maintain the connect between universality that is Ṛtaṁ and the individuality that is satyaṁ. This made them to maintain their universal significance and individual freedom and thus maintain the authority of their dharma, their sense of ultimate truth and righteousness. Genocidal assaults perpetrated on them wreaked havoc on their Jāti but the survivors still live to tell the story. This story has a moral that when there is a perpetrator who is intensely oriented towards the superordination of his group and considers his ideology the ultimate truth, it becomes difficult to counter the high identification he gets from such traits. Under such conditions it becomes the duty of the state to take punitive action.

Indian state is of the view that genocide can be countered by the existing laws. As a murder cannot be dealt with the theft law, genocide cannot be countered by the murder law. A murderer kills a man with the intent to kill just a person and not his group. But a genocidaire kills a man and with that man a member of a specific group and thus aims at annihilating the group. Only genocide laws can counter such crimes. But the Indian state does not want to accept that genocide has occurred in Kashmir and through that non-acceptance wants to maintain India as a country with no blot of genocide while as all big countries have committed genocides. But genocide has been committed in Kashmir and non-acceptance of the truth raises the fear that our future is not going to be free from genocidal events.

shots was hostile to the victims the genocidal assaults to annihilate the *Jāti* continued.

History tells us that in the seven episodes of genocide mentioned above the perpetrators were never punished by the state. When the perpetrators of one episode of genocide are not punished the dehumanizing and devaluing environment remains intact and is carried forward in the history. The perpetrator identity prevails with all its exclusionary elements and the othering of outgroups becomes more intense. The result of impunity for a crime is well explained in the famous Indian text *"Arthaśāstra"* written by Kautilya (2 BCE):

Apraṇīto hi matsyanyāyamudbhāvayati| balīyānabalaṃ hi grasate daṇḍadharābhāve| tena guptaḥ prabhavatīti. (part 1,chapter2.)

If the system of punitive action is broken, the effect will be that big fish will eat small fish. In absence of punishment the powerful will persecute the weak. But the king who takes punitive action empowers the powerless.

In Kashmir, the big fish are becoming bigger and fatter and the small fish away from the source are becoming smaller and thinner. That is the identity difference between the perpetrator and the victim community. These identities are to be transformed. Indian state is of the view that genocide can be countered by the existing laws. As a murder cannot be dealt with the theft law, genocide cannot be countered by the murder law. A murderer kills a man with the intent to kill just a person and not his group. But a genocidaire kills a man and with that man a member of a specific group and thus aims at annihilating the group. Only genocide laws can counter such crimes. But the Indian state does not want to accept that genocide has occurred in Kashmir and through that non-acceptance wants to maintain India as a country with no blot of genocide while as all big countries have committed genocides. But genocide has been committed in Kashmir and non-acceptance of the truth raises the fear that our future is not going to be free from genocidal events.

When the official accounts of truth are given, many things are omitted and many are misinterpreted and manipulated. How can we eliminate these problems. Experience-near ethnographic method is the best tool to understand the truth of a genocidal situation. In this method those informants are chosen who have direct experience of genocide. The informants describe their experiences that are observed and analysed. The analyser of the information is experience-distant. The analysis of the analyser may use jargon or concepts to explain the truth obtained from the experience of the informants. Sometimes the concepts may dominate the analysis. One example may illustrate this. It is a truism that the perpetrators in Kashmir have killed many members of their own community. The secular imaginations of the government have come into play and they have rushed with the narrative that what has happened in Kashmir is not genocide because Kashmiri Pandits and Muslims both have been killed. Let us take the case of Madam Agathe Uwilingiyimana, the care taker Prime Minister of Rwanda, killed on 7 April 1994 by Hutu soldiers. She was herself a Hutu. Despite that Rwandan genocide is referred to as the genocide of Tutsis. Many other Hutus were killed by Hutu genocidaires but it is still the genocide of Tutsis. The Hutus killed were either rescuers or those who challenged the status quo created by the genocidaires. It was for these reasons that many Kashmiri Muslims were killed by Muslim genocidaires in Kashmir. In a genocidal situation there are always such people from the perpetrator community who do not believe in the dominance of ideologies. Instead, they lead their lives in the striving to attain the balance between universal and personal order. From this we understand that the dominance of concepts like secularism in the analysis of experience-near testimonies can be overcome by eliminating secular imaginations. It needs to be reiterated that t must be kept in view that about seven centuries of genocidal history of Kashmir have seen the perpetrators from different groups like Shias, Sunnis, Pathans, Mughals but all followed one and the only ideology of ***Turuṣkadarśana***. This ideology and the annihilatory practices associated with it were integral to the identity of all such groups.

As is always the case, the experience-distant analysers are at the helm of affairs in India. They have condemned or hidden the written representations of genocidal truth found in the Rajtaranginis of Jonaraja and Srivara. The representation of a benign past given in Kalhana's Rajtarangini has been foregrounded. This was the academic conspiracy to hide the representations of genocide in Kashmir. As the written representations of the genocidal past of Kashmir stand revealed, the truth is being understood and the victim community is able to comprehend the transgenerational perpetration of genocide.

This brings us to the problem of reconciliation. Reconciliation is not achieved when representatives of victim and perpetrator communities sit across the table and forgive each other. This is just a token reconciliation. Accepting the written representation of the genocidal past means accepting a part of truth that can make a perpetrator to question the exclusionary elements of his identity and thus revise and transform his identity. Reconciliation in essence is the process of identity transformation.

With the beginning of such identity transformation a culture of remembrance begins to emerge. In Germany there are many memorials of the crimes committed by Nazis. The creation of a culture of remembrance is the evidence of the identity transformation of a nation that at a point of history was an extremely brutal perpetrator of genocide. When a culture of remembrance takes roots in Kashmir and memorials will be erected at the sites of the genocidal killings and massacres of Kashmiri Pandits then only genuine reconciliation will occur. That will be the situation when the individual truth will begin to be in unison with the universal order of creation, when the right to exist of everyone will prevail. That will keep alive the consciousness of the process of genocide that occurred on the land of Kashmiri and all will say one voice, "Never again!."

The Miasma of Restorative Justice and Truth and Reconciliation

Primarily in the present context historical events, facts, perceptions and apprehensions are of utmost importance. Denials, narratives, counter narratives from both the offenders as well as state substantially establish the purpose of compromise between the offenders and the authorities.

Tito Ganju
Chairman, JIGAS

Restorative justice, as a framework for addressing harm caused by crime or conflict, emphasizes healing, accountability, and restoring relationships within communities. At its core, restorative justice recognizes the importance of truth and reconciliation in facilitating meaningful resolution and preventing further harm. Truth and reconciliation processes serve as integral components of restorative justice, fostering understanding, healing, and social cohesion.

Truth-telling is fundamental to the restorative justice approach, as it allows all parties involved to acknowledge and confront the harm that has occurred. By openly sharing their experiences, victims, offenders, and affected communities can gain a deeper understanding of the impact of the harm and the underlying causes. This process of truth-telling enables individuals to express their emotions, validate their experiences, and seek acknowledgment and empathy from others.

Furthermore, truth-telling paves the way for accountability and responsibility. Offenders are encouraged to take ownership of their actions, acknowledge the harm they have caused, and express genuine remorse. Through this process, offenders can demonstrate their commitment to making amends and rebuilding trust within the community. Similarly, victims have the opportunity to voice their needs and concerns, receive validation and support, and participate in shaping the outcome of the resolution process.

Restorative justice approaches often incorporate various mechanisms for truth-telling and reconciliation, including victim-offender dialogues, community conferences, and truth commissions.

Restorative Justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative processes that allow all willing stakeholders to meet, although other approaches are available when that is impossible. This can lead to transformation of people, relationships and communities.

The foundational principles of restorative justice have been summarized as follows:

- Crime causes harm and justice should focus on repairing that harm.
- The people most affected by the crime should be able to participate in its resolution.
- The responsibility of the government is to maintain order and of the community to build peace.

If restorative justice were a building, it would have four cornerposts:

- Inclusion of all parties
- Encountering the other side
- Making amends for the harm
- Reintegration of the parties into their communities

therefore, three key principles govern the implementation of restorative justice in processes and in systemic reform. First, when crime (or wrongdoing) occurs, the focus is on the harm that has been done to people and relationships. Second, when harm has been done, it creates obligations and liabilities. Third, the way forward involves perpetrators, victims and the community in efforts to heal the harm and put things right.

In order for the goals of restorative justice processes to be achieved the following preconditions should be fulfilled:

A. Invite full participation & concerns.

Criminal Justice Model Application followed is;

Victims, offenders and the community should have a voice in responding to criminal harm and there should be as much agreement as possible in what the outcome should look like.

Now let us analyse it in the context of Genocide of kashmiri pandits;

Primarily in the present context historical events, facts, perceptions and apprehensions are of utmost importance. Denials, narratives, counter narratives from both the offenders as well as state substantially establish the purpose of compromise between the offenders and the authorities. Observations of Hon'ble Judge in case of infamous Bitta Karate are glaring example. When releasing Farooq Ahmed Dar on bail in 2006, the TADA court judge N.D. Wani remarked; "The court is aware of the fact that the allegations against the accused are of serious nature and carry a punishment of death sentence or life imprisonment but the fact is that the prosecution has shown total disinterest in arguing the case." Thus, the colorable intent is already loaded making the participation of all concerned futile as to any sort of agreement.

Now let us examine the Restorative Approach;

All those who feel they have a stake in the conflict should be invited to participate in dialogue around the issues and have a voice in the outcomes or decisions made.

Now let us analyse it in the context of Genocide of kashmiri pandits

Post-independence of India, the offenders including main stream political parties have acknowledged and demanded with Pakistan, as they believe Pakistan is a party. Is that in any case acceptable to the nation as well as the victims.

B. Heal what has been broken.

Criminal Justice Model Application followed is

When a crime is committed, the need of healing inevitably arises. This may take the form of emotional healing (for victims and for offender), relationship healing and for reparation of property damage.

Now let us analyze it in the context of Genocide of Kashmiri pandits;

Thirty-three years of denial seventy-three years of harassment and 700 years of harrowing and bone chilling history of gore and blood, torture and religious persecution, molestation and disquiet. Tragically Kashmiri Pandits have been harried, despoiled and laid waste and victims to vile oppression and abominable

Observations of Hon'ble Judge in case of infamous Bitta Karate are glaring example. When releasing Farooq Ahmed Dar on bail in 2006, the TADA court judge N.D. Wani remarked; "The court is aware of the fact that the allegations against the accused are of serious nature and carry a punishment of death sentence or life imprisonment but the fact is that the prosecution has shown total disinterest in arguing the case."

persecution, they have been fleeing every now and then from their homeland. From cent percent of population squeezed to a mere single digit percent of total population HEALING..... UNDOUBTEDLY IS A NECESSITY OF JUSTICE...BUT... CURE... PREFERED..... Satyem te patyim--- seventh and last is the objective ... PANACEA ....That is arguably healing and reparation.

RESTORATIVE APPROACH

Things that are said or done during conflict or disagreement be hurtful. As much as possible, the restorative approach want to bring those hurts to light and work at healing & reparation.

IN CASE OF GENOCIDE OF KASHMIRI PANDITS

Offender have time and again denied so has the state as well as the civil society. Imagine, A Chief Minister in assembly claims Kashmir is a Muslim majority and shall remain so and then advocating Jagmohan theory claiming Govt of India had send Jagmohan to massacre Kashmiri Muslims how naïve ignoring the fact when Jagmohan was sent as governor of J&k in 1990 Mufti Mohammad Sayeed was the Home Minister of India.

RJ

C Seek full and direct accountability

CJMA

Offenders need to take responsibility for their actions and choices. They are given the opportunity to explain their behavior and fulfill the obligations created from their behavior directly to the people they have harmed.

IN CASE OF GENOCIDE OF KASHMIRI PANDITS

Denial has been the hallmark so expecting an admission remains a doubtful expectation.

RA

Nurture and environment where people are encouraged to take ownership for their own role in escalating a conflict respectfully expect people to be accountable for their actions in ways that are fair and responsible

Denial has been the hallmark so expecting an admission remains a doubtful expectation.

RJ

D. Reunite what has been divided

CJMA

Victims of crime often experience a sense of isolation from the community, as do offenders. While the reasons for this sense may differ between these two groups, essentially a process that allows for reintegration needs to be sought in the wake of a crime for all that have been affected. Such a process can recreate a sense of wholeness and closure, as well as sense of integration into the community.

RA

Conflict in places of interaction can create feelings of isolation and outcast. it can result in individuals taking sides and developing an 'us' / them mentality. As much as possible a restorative approach aim to take stock of where divisions have occurred in these communities and work toward understanding and reconciliation.

Thirty three years in exile generational shift, indoctrination of extremism has added to the isolation, which is increasing with every passing movement. Understanding and reconciliation is possible between the equals. For argument sake when two brothers are in conflict to each other interests, parental homes are divided between the two that is perhaps the most applicable and justifiable solution to such disputes.

RJ

Strengthen the community to prevent fulltime harms.

CJMA

A justice process that is restorative will focus must not only on the details of the crime at hands but what the systemic causes of crime are in the community and how they can be addressed. In this way, a healthier and safer community is created for all, not just these wanting to be protected from crime.

Causes of crime need no explanation. Attempt to create a caliphate Creation of harmonious community is a tried, tested and failed formula when it comes to Kashmir situation. After every exodus act of 7 exoduses of kashmiri Pandits they tried to create harmonious society bent were always butchered like sheeps at the will and whims of butchers. Targeted and selective killing.

RA

Any kind of community can use conflict to learn, grow and change where necessary. A restorative approach can help illuminate where opportunities for positive, changes lie in order to make the community a healthier but more enjoyable place for all.

Experimentally or introducing new modes for dispute resolution instead of mechanism already there in which are apt to solve the issue and hand depict the intention of delaying on part of the object which amount to re-victimization as false hopes are revised every time in the name of justice which time and again turned out of the mere eye wash.

The (im)possibility of restorative justice

But is restorative justice really possible? In order for this processes to be successful all these preconditions and principles have to be implemented. If not, restorative justice is yet another mean for continuation of the victims' oppression.

Not only that the crimes and harms done are not acknowledged, but they are denied, which makes restorative justice impossible to achieve.

Genocide denial is considered to be the penultimate stage of genocide, which "build on to the complex motivation inspiring the first stage of genocide" and represents "one of the most certain indicators of future genocides". (According to Israel W. Charny, genocide denial conceals horror of the crimes and exonerates those responsible for it. In addition to denial responsibility, denials are celebrations of destruction, renewed humiliations of survivors, and metaphorically murders of historical truth and collective memory. In fact, denial is "double murder" since the deniers kill the dignity of the survived and tend to destroy the memory of the crime, whereby they prevent the wounds inflicted by the genocide from healing. Deborah Lipstadt argues that the denial of an individual's or a group's persecution is the ultimate cruelty – on some level worse than the persecution itself.

Genocide denial is considered to be the penultimate stage of genocide, which "build on to the complex motivation inspiring the first stage of genocide" and represents "one of the most certain indicators of future genocides". (According to Israel W. Charny, genocide denial conceals horror of the crimes and exonerates those responsible for it. In addition to denial responsibility, denials are celebrations of destruction, renewed humiliations of survivors, and metaphorically murders of historical truth and collective memory. In fact, denial is "double murder" since the deniers kill the dignity of the survived and tend to destroy the memory of the crime, whereby they prevent the wounds inflicted by the genocide from healing.

The idea of restorative justice in present context on application of literal rule & golden rule of interpretation, would defeat the purpose of prevention and punishment of crime of Genocide convention. Though, Restorative justice model was applied in Gacaca case but the circumstances of that case were different and restorative justice was practiced by the tribes and thus a custom there while as circumstances and customs are not applicable in the present case.

The destruction of Hindus of Kashmir should not be seen in the context of a local sectarian conflict. It should be seen in the context of the bigger geo-political development – i.e militarization of pan Islamic fundamentalism. Pan Islamic fundamentalism is a totalitarian religious fascist movement which seeks to create an Islamic monolith without the religious ethnic and national pluralism. This ideological approach guided the genocidal campaign against the Hindus of Kashmir. Local perpetrators and abettors are the extension of global pan Islamic movement guided by the ideological constrains of that movement. So reconciliation between local perpetrators and the victims will not materialize and even if for tactical contingencies the local perpetrators seek some sort of an adjustment with the victims it will eventually lead to the refoulement of the victim once again which can be far more destructive. Kashmiri Hindus have suffered seven exoduses since the advent of Islam in Kashmir and multitude of refoulements time and again. Hence the case cannot be addressed in the context of local conflict but inevitably in the context of the extension of militarized religious fascist movement. It has to be borne in mind that the Hindu cultural habitat has been already destroyed in the valley and its reconstruction which is secure from future assaults sustainable and where rule of law and basic freedom can be protected and enforced is an imperative necessity to address the return and rehabilitation of Hindus of Kashmir.

Some Hindus of Kashmir participating in political maneuvers based on the Doctrine of Restorative Justice have to be understood in the frame work of definition of collaborators. Collaborators never seek a permanent solution of the victims of genocide. They seek an adjustment with the perpetrators. They are the people who have in destruction fait accompli and seek the patronage and sanction of the perpetrators for the survival.

Moreover,their appeals to “forgive and forget”, and the expectation to hurry up and “move forward” as the only possibilities for the continuation of the reconciliation process as has often been presented, the victims are oppressed again in the same way as by the denial of the crimes which is said to be “double murder” – since the deniers kill the dignity of the survived and tend to destroy the memory of the crime, whereby they prevent the wounds inflicted by the crimes from healing – or the “ultimate cruelty” – on some level worse than the crime itself, as Deborah Lipstadt famously said.

According to Jeffrie G. Murphy „resentment does not stand simply as emotional testimony of self-respect“ but “this passion—and the reluctance to transcend it in hasty forgiveness—also stands as testimony to our allegiance to the moral order itself... an order represented by clear understandings of what constitutes unacceptable treatment of one human being by another“. Moreover, he adds, “if we do not show some resentment to those who, in victimizing us, flout those understandings, then we run the risk—in Aurel Kolnai's words—of being 'complicitous in evil.'”

Now let us examine the recommendation of setting up of a truth commission/Judicial commission.

Despite their mandate to investigate and address critical issues plaguing Indian society, judicial commissions in the country have often fallen short of achieving their intended objectives. While established with the noble aim of uncovering truth, ensuring accountability, and fostering reconciliation, many commissions have been marred by delays, inefficiencies, and political interference, leading to widespread skepticism about their efficacy. From inquiries into communal violence to probes into administrative lapses, the failure of these commissions to deliver timely and comprehensive justice has raised serious doubts about their effectiveness in addressing pressing societal concerns.

By examining the experiences of past commissions, we can gain insights into the weaknesses of these bodies and thereby their ineffectiveness.

Lack of Implementation:

Several judicial commissions in India have faced challenges in the implementation of their recommendations. For example, the Srikrishna Commission, formed to probe the 1992-93 Bombay riots, submitted its report highlighting instances of police bias and administrative failures. However, many of its recommendations remained unimplemented, leading to questions about the government's commitment to justice and accountability (Puri, 2018).

Delayed Justice:

The Nanavati-Mehta Commission, tasked with investigating the 2002 Gujarat riots, encountered significant delays in delivering its findings. Despite conducting extensive inquiries and hearing testimonies from hundreds of witnesses, the commission's final report was submitted years after the incidents, raising concerns about the prolonged process and its impact on justice delivery (Sachar, 2012).

Political Interference:

Instances of political interference have also marred the credibility of judicial commissions in India. The Liberhan Commission, established to probe the demolition of the Babri Masjid in 1992, faced allegations of political pressure and delays in completing its inquiry. Critics argued that the commission's mandate was compromised by political considerations, undermining its impartiality and effectiveness (Dhawan, 2009).

Limited Scope and Resources:

The Justice Verma Committee, formed in the aftermath of the 2012 Delhi gang rape case, highlighted challenges related to the limited scope and resources of judicial commissions. While the committee

Some Hindus of Kashmir participating in political maneuvers based on the Doctrine of Restorative Justice have to be understood in the frame work of definition of collaborators. Collaborators never seek a permanent solution of the victims of genocide. They seek an adjustment with the perpetrators. They are the people who have in destruction fait accompli and seek the patronage and sanction of the perpetrators for the survival. Moreover,their appeals to “forgive and forget”, and the expectation to hurry up and “move forward” as the only possibilities for the continuation of the reconciliation process as has often been presented, the victims are oppressed again in the same way as by the denial of the crimes which is said to be “double murder” – since the deniers kill the dignity of the survived and tend to destroy the memory of the crime, whereby they prevent the wounds inflicted by the crimes from healing – or the “ultimate cruelty” – on some level worse than the crime itself.

made comprehensive recommendations for legal reforms and gender justice, its ability to address systemic issues was constrained by time and resources, limiting the depth of its inquiry (Sharma, 2015).

Public Perception and Accountability:
The effectiveness of judicial commissions is closely tied to public perception and accountability. The Bhagwati Commission, established to investigate the Bhopal gas tragedy of 1984, faced criticism for its handling of the inquiry and perceived lack of transparency. Public skepticism about the commission's findings and the adequacy of its recommendations underscored the importance of enhancing public trust and accountability in the commission's proceedings (Singh, 2019).

Transparency and Accountability:
The Jain Commission, which investigated the assassination of former Prime Minister Rajiv Gandhi in 1991, shed light on the importance of transparency and accountability in the functioning of judicial commissions. Despite facing criticism for delays and procedural challenges, the commission's efforts to uncover the conspiracy behind the assassination underscored the need for transparent and accountable mechanisms of inquiry (Gupta, 2016).

Challenges in Fact-Finding:
The Thakkar Commission, formed to investigate the 1984 anti-Sikh riots in Delhi, highlighted challenges related to fact-finding and evidence collection. With widespread allegations of police complicity and political interference, the commission's task of ascertaining the truth and delivering justice was fraught with difficulties, highlighting the complexities of investigating communal violence (Bassi, 2017).

Role of Media and Civil Society:
The Shah Commission, established to probe allegations of corruption during the Emergency period in the 1970s, underscored the role of media and civil society in complementing the work of judicial commissions. By bringing public attention to issues of governance and accountability, media scrutiny and civil society activism played a vital role in ensuring transparency and accountability in the commission's proceedings (Ghatak, 2013).

Efficacy of Recommendations:
The Srikrishna Commission, formed to investigate the 1992-1993 Mumbai riots, highlighted the challenge of implementing recommendations made by judicial commissions. Despite extensive findings and recommendations aimed at addressing the root causes of the riots, many of the commission's recommendations remained unimplemented, raising questions about the efficacy of such inquiries in bringing about meaningful change (Mukherjee, 2018).

Political Interference and Impartiality:
The Nanavati-Mehta Commission, tasked with probing the 2002 Gujarat riots, underscored the issue of political interference and the need for impartiality in the functioning of judicial commissions. Amidst allegations of bias and political pressure, the commission's ability to conduct an independent and impartial inquiry was called into question, highlighting the challenges posed by external influences on the integrity of such investigations (Sharma, 2019).
The experiences of past judicial commissions in India provide valuable insights into the challenges, efficacy and their effectiveness.
Now the recommendation to establish a truth and reconciliation commission, while well-intentioned,will not fully address the gravity of atrocities committed under the lens of the Genocide Convention. Unlike truth and reconciliation commissions, a Genocide commission operates within the framework of Genocide laws, offering a more robust mechanism for addressing genocidal crimes.
The Genocide Convention, ratified by India, obligates states to prevent and punish acts of genocide, defined as specific acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. In cases where genocide is suspected or alleged to have occurred, a dedicated Genocide commission, empowered by Genocide laws, would be better equipped to investigate, prosecute, and adjudicate such crimes.
While truth and reconciliation commissions aim to promote healing and reconciliation, they do not possess the legal authority or expertise to effectively address genocidal acts. By advocating for the establishment of a Genocide commission, the focus shifts towards comprehensive legal accountability, ensuring that perpetrators are held accountable under the full weight of international law.
In essence, while truth and reconciliation initiatives play a valuable role in fostering societal healing and understanding, they are not sufficient in cases where genocide is alleged. Therefore, the proposition to establish a Genocide commission, in accordance with Genocide laws, represents a more appropriate and impactful response to addressing the profound injustices associated with genocide.

Now the recommendation to establish a truth and reconciliation commission, while well-intentioned,will not fully address the gravity of atrocities committed under the lens of the Genocide Convention. Unlike truth and reconciliation commissions, a Genocide commission operates within the framework of Genocide laws, offering a more robust mechanism for addressing genocidal crimes.
The Genocide Convention, ratified by India, obligates states to prevent and punish acts of genocide, defined as specific acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group. In cases where genocide is suspected or alleged to have occurred, a dedicated Genocide commission, empowered by Genocide laws, would be better equipped to investigate, prosecute, and adjudicate such crimes. While truth and reconciliation commissions aim to promote healing and reconciliation, they do not possess the legal authority or expertise to effectively address genocidal acts. By advocating for the establishment of a Genocide commission, the focus shifts towards comprehensive legal accountability, ensuring that perpetrators are held accountable under the full weight of international law.

The Justice and Reconciliation Process in Rwanda

In the first judgment by an international court on genocide, a former mayor, Jean-Paul Akayesu, was convicted in 1998 of nine counts of genocide and crimes against humanity. The judgment specifically held that rape and sexual assault constituted acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group. The judges found that, in the case of Rwanda, sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.

- ***The conviction of the prime minister during the genocide, Jean Kambanda, to life in prison in 1998 was the first time a head of government was convicted for the crime of genocide.***
- ***The Tribunal's "Media Case" in 2003 was the first judgment since the conviction of Julius Streicher at Nuremberg after World War II to examine the role of the media in the context of international criminal justice.***

During the 1994 genocide in Rwanda, up to one million people perished and as many as 250,000 women were raped, leaving the country's population traumatized, its infrastructure decimated, and sending shock waves through the international community. Since then, Rwanda has embarked on an ambitious justice and reconciliation process with the ultimate aim of all Rwandans once again living side by side in peace.

Justice after the Genocide

In the years following the genocide, more than 120,000 people were detained and accused of bearing criminal responsibility for their participation in the killings. To deal with such an overwhelming number of perpetrators, a judicial response was pursued on three levels: the International Criminal Tribunal for Rwanda, the national court system of Rwanda, and the Gacaca courts.

The International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations Security Council on 8 November 1994. The Tribunal has a mandate to prosecute persons bearing great responsibility for genocide and other serious violations of international humanitarian law committed in Rwanda between 1 January and 31 December 1994.
The first trial started in January 1997, and by December 2011, the Tribunal had completed the trial work of 80 of the 92 accused. Nine accused were still at large The ICTR's main body, the court of first instance, is due to complete its work by the end of June 2012. Appeals are to be completed by 2014.

The Tribunal has issued several landmark judgments, including:

In the first judgment by an international court on genocide, a former mayor, Jean-Paul Akayesu, was convicted in 1998 of nine counts of genocide and crimes against humanity. The judgment specifically held that rape and sexual assault constituted acts of genocide insofar as
they were committed with the intent to destroy, in whole or in part, a targeted group. The judges found that, in the case of Rwanda, sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.

- The conviction of the prime minister during the genocide, Jean Kambanda, to life in prison in 1998 was the first time a head of government was convicted for the crime of genocide.
- The Tribunal's "Media Case" in 2003 was the first judgment since the conviction of Julius Streicher at Nuremberg after World War II to examine the role of the media in the context of international criminal justice.

The national court system

Rwanda's national courts prosecute those accused of planning the genocide or of committing serious atrocities, including rape. By mid-2006, the national courts had tried approximately 10,000 genocide suspects. In 2007, the Rwandan government abolished the death penalty, which had last

been carried out in 1998 when 22 people convicted of genocide-related crimes were executed. This development removed a major obstacle to the transfer of genocide cases from the ICTR to the national courts, as the ICTR draws to a close.

The Gacaca tribunal system

To address the fact that there were thousands of accused still awaiting trial in the national court system and to bring about justice and reconciliation at the grassroots level, the Rwandan government re-established the traditional community court system called "Gacaca" (pronounced GA-CHA-CHA), which became fully operational in 2005. In the Gacaca system, communities at the local level elect judges to hear the trials of genocide suspects accused of all crimes except planning of genocide. The courts give lower sentences if the person is repentant and seeks reconciliation with the community. Often, confessing prisoners return home without further penalty or receive community service orders. Since 2005, more than 12,000 community-based courts have tried 1.2 million cases throughout the country. The Gacaca trials also serve to promote reconciliation by providing a means for victims to learn the truth about the death of their family members and relatives. They also give perpetrators the opportunity to confess their crimes, show remorse and ask for forgiveness in front of their community. The Gacaca courts are scheduled to close on 4 May 2012.

Unity and Reconciliation in Rwanda

The reconciliation process in Rwanda focuses on reconstructing the Rwandan identity, as well as balancing justice, truth and peace and security in the country. Different measures have been taken by the Rwandan government towards achieving the goal of perpetrators and victims living side by side in peace. For example, the Constitution now states that all Rwandans share equal rights. And laws have been passed to fight discrimination and divisive genocide ideology. Primary responsibility for reconciliation efforts in Rwanda rests with the National Unity and Reconciliation Commission. Its main activities in the area of reconciliation are as follows:

- **Ingando:** A programme of peace education in solidarity camps. From 1999 to 2009, more than 90,000 Rwandans participated in these programmes, which aim to clarify Rwandan history and the origins of division amongst the population, promote patriotism and fight genocide ideology.

- **Itorero ry'Igihugu:** Established in 2007, the Itorero programme's objective is to promote Rwandan values and cultivate leaders who strive for the development of the community. From 2007 to 2009, 115,228 participants took part in the Itorero program.

- **Seminars:** Training of grassroots leaders, political party leaders, youth and women in trauma counseling, conflict mitigation and resolution, and early warning systems.

- **National summits:** Since 2000, several national summits have been organized on topics related to justice, good governance, human rights, national security and national history.

- **Research:** The National Unity and Reconciliation Commission has published a number of studies investigating the causes of conflicts in Rwanda and how to mitigate and resolve them.

To address the fact that there were thousands of accused still awaiting trial in the national court system and to bring about justice and reconciliation at the grassroots level, the Rwandan government re-established the traditional community court system called "Gacaca" (pronounced GA-CHA-CHA), which became fully operational in 2005. In the Gacaca system, communities at the local level elect judges to hear the trials of genocide suspects accused of all crimes except planning of genocide. The courts give lower sentences if the person is repentant and seeks reconciliation with the community. Often, confessing prisoners return home without further penalty or receive community service orders. Since 2005, more than 12,000 community-based courts have tried 1.2 million cases throughout the country. The Gacaca trials also serve to promote reconciliation by providing a means for victims to learn the truth about the death of their family members and relatives. They also give perpetrators the opportunity to confess their crimes, show remorse and ask for forgiveness in front of their community.

The Truth and Reconciliation Commission (TRC) 1995- South Africa

After the end of apartheid, as well as the release of political prisoners in the early 90s and the country's transition from repressive rule to democracy in 1994, South Africa witnessed the establishment of the Truth and Reconciliation Commission in 1995 which formed a crucial component of the transition to full and free democratic country. The TRC was established by the first democratic president Nelson Mandela under the Promotion of National Unity and Reconciliation Act of 1995 and Archbishop Desmond Tutu with Dr Alex Boraine were appointed as its chairperson and vice chairperson respectively.

In all the TRC was comprised of seventeen commissioners: nine men and eight women and divided into three committees (Human Rights Violations Committee, Amnesty Committee, and Reparations and Rehabilitation Committee). The Human Rights Violations Committee gathered testimony of politically motivated gross human rights abuses; the Amnesty Committee dispensed amnesty to perpetrators who gave "full disclosure" of atrocities they had committed for political ends; lastly, the Reparation and Rehabilitation Committee which sought to recommend to the government a policy for providing long-term reparations for victims, as well as short-term relief payments.
The aim of the TRC was to combat impunity and recreate a culture of accountability, and most importantly to uncover truth about gross human rights violations and assist families of the victims in getting closure. In short, “the TRC was a prudent step for reconciling the South African community”.
The broad objectives of the Commission were to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by:

· Establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for committing such violations, by conducting investigations and holding hearings;

· Facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and which comply with the requirements of the Act (Promotion of National Unity and Reconciliation Act);

· Establishing and making known the fate or whereabouts of victims and restoring the human and civil dignity of such victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims, and recommending reparation measures in respect of them;
· Compiling a report providing as comprehensive an account as possible of the activities and findings of the Commission and containing recommendations of measures to prevent the future violations of human rights.
5392 people were refused amnesty and 849 were granted amnesty, out of 7112 petitioners (there were a number of additional categories, such as withdrawn).

Amongst others, the TRC has been criticized for its narrow focus which 'failed to adequately situate the gross human rights violations in the wider context of apartheid which include forced removals and the expropriation of land, the pass laws, racial classification and related legislatives instead of focusing on political repression'. It has been argued that the South African TRC was criticized for this narrow perspective, in that this presented a 'compromised truth' that excluded a large number of victims from the Commission's scope

Studying Genocide is Extremely Important

Genocide is a structural and systematic destruction of innocent people by a state bureaucratic apparatus or a similar or equivalent structure. Genocide represents a systematic effort over time to liquidate a national population, usually a minority and functions as a fundamental policy to assure conformity and participation of citizenry. The institute exists to learn in depth about Genocide in details and how individuals can recognise patterns and frame policies to prevent genocide.

Pavak

Phone:
+91-99062-87277

Website:
www.jonaraja.com

Instagram:
jigas_india